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January 16, 2012

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn ATTN: Lower Passaic River Remedial Project Manager Emergency and Remedial Response Division U.S. EPA, Region 2 290 Broadway, 19th Floor New York, New York 10007

Re: Monthly Progress Report No. 56 – December 2011 Lower Passaic River Study Area (LPRSA) Remedial Investigation/ Feasibility Study (RI/FS) CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On December 5, EPA and CPG held a conference call to discuss the development and refinement of a focused capping alternative that was described during the November 2011 EPA-CPG semiannual modeling meeting.
- On December 13, EPA and CPG met to discuss preliminary data from the River Mile (RM) 10.9 Characterization field activities.

Correspondence

- On December 7, CPG submitted to EPA the reference list for literature reviewed for the development of a synopsis on cooking loss to the EPA.
- On December 12, CPG requested to work with EPA's consultants on the development and refinement of the focused capping alternative.



Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 56 – December 2011 January 16, 2012 Page 2 of 5

- On December 12, CPG submitted to EPA a synopsis on cooking loss in fish tissue.
- On December 14, CPG sent a CD to EPA with the priority area multi-beam survey data from the Post-Irene Bathymetry Survey (October 2011).
- On December 15, CPG submitted the Monthly Progress Report to EPA.
- On December 15, EPA provided the CPG comments on the revised Low Resolution Coring Supplemental Sampling Plan (LRC SSP) QAPP.
- On December 16, CPG submitted a revised Proposal for Supplemental Hydrodynamic Modeling Framework for RM 10.9 Characterization to EPA.
- On December 16, CPG notified EPA that the second routine Small Volume (SV) Chemical Water Column Monitoring (CWCM) sampling event is scheduled for the week of January 16, flow and weather conditions permitting.
- On December 16, CPG submitted a memorandum to EPA regarding the Risk Assessment and Risk Characterization (RARC) Work Plan Dispute Resolution issues and suggested dates for a meeting in January.
- On December 19, EPA confirmed that a dispute resolution meeting had been scheduled with CPG and EPA on January 13, 2012.
- On December 20, CPG submitted Method Detection Level (MDL) studies to EPA for proposed 2 Liter sample volumes for the second routine SV CWCM sampling event.
- On December 23, CPG provided EPA a depth differenced figure showing differences in bathymetric survey readings of the LPRSA between July 2010 and October 2011.
- On December 29, CPG provided EPA an updated schedule for planned LRC SSP and SV CWCM Event #2 field activities in January and February 2012.
- On December 29, CPG submitted response to EPA comments on the LRC SSP QAPP.

Work

- CPG continued chemical analysis of samples collected during the RM 10.9 Characterization field activities.
- CPG continued data validation of the RM 10.9 Characterization data.
- CPG completed data validation of the SV CWCM Event #1 data.
- CPG continued planning for the SV CWCM Event #2.
- CPG continued planning activities for the High Volume Chemical Water Column Monitoring (HV CWCM) QAPP Addendum.
- CPG completed response to comments on the LRC SSP QAPP.
- CPG continued planning activities to conduct the LRC SSP.
- CPG continued work on revisions to the RM 10.9 Bathymetry Survey report.



Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 56 – December 2011 January 16, 2012 Page 3 of 5

- CPG continued work on the 2011 Post-Hurricane Irene Bathymetry Survey report.
- CPG continued work on the RM 10.9 Hydrodynamic Study Report.
- CPG continued drafting the fall 2009 Benthic Survey toxicity data report.
- CPG continued drafting the winter/spring 2011 Avian Survey Report.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for low-flow conditions utilizing CPG input files.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG continued development of a FS cost estimating framework.

(b) Results of Sampling and Tests

- On December 15, CPG uploaded EDDs with validated data associated with the SV CWCM Event #1 for both the Lower Passaic River Study Area (LPRSA) and Newark Bay Study Area (NBSA) to the EPA SharePoint site.
- On December 15, CPG uploaded the original laboratory EDDs received during November for both the SV CWCM Event #1 and RM 10.9 Characterization activities to the EPA SharePoint site.
- On December 19, CPG submitted a summary of validated data from the SV CWCM Event #1 to EPA.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will begin implementation of the LRC SSP field activities.
- CPG will complete analysis of sediment samples from the RM 10.9 Characterization program.
- CPG will complete validation of the RM 10.9 Characterization data.
- CPG will complete drafting the RM 10.9 Hydrodynamic Study report.
- CPG will complete drafting the Post-Hurricane Irene Bathymetric Survey of the LPR report.
- CPG will complete drafting the fall 2009 Benthic Survey toxicity data report.
- CPG will complete drafting the 2010 Small Foraging Fish Tissue Chemistry Data Report.



Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 56 – December 2011 January 16, 2012 Page 4 of 5

- CPG will complete responding to EPA comments on the spring 2010 Benthic Community Survey field report.
- CPG will complete drafting the 2011 Avian Survey Report.
- CPG will continue to revise the risk assessment planning documents (Background/Reference Site, Ecological Life History Profiles, and Data Usability documents) in response to EPA comments.
- CPG will continue planning activities for the HV CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and low to medium flow calibration and continue work with the RCATOX code and inputs.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

- Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. As such, the CPG is continuing to work on both its high flow calibration and its long-term daily calibration. The EPA and CPG collaboration meetings were conducted in April, May, July and September; these meetings are providing an opportunity for both modeling teams to understand difference between each team's approaches. The second semiannual EPA-CPG modeling meeting was conducted on November 15 and subsequently CPG forwarded its latest sediment transport model codes and inputs requested by EPA. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.
- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011 and that the execution of the AOC between EPA and Tierra or other signatories has not been completed. It is also the CPG's understanding that the Method Detection Studies and other work must be completed prior to the start of the Phase 1 work. The extent of the RI/FS schedule impacts is dependent on the completion of these items.

Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 56 – December 2011 January 16, 2012 Page 5 of 5

• EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. A dispute resolution meeting was held on December 1, 2011, and another meeting is scheduled for January 13, 2012.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc

Willard F. Potter

Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel William Hyatt, CPG Coordinating Counsel Lisa Baron, USACE
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